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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

**UNITED STATES OF AMERICA,  
Plaintiff,**

**Case No. 3:16-CR-00051-16-BR**

**vs.**

**REPLY TO THE  
GOVERNMENT'S  
RESPONSE (ECF #571)**

**KENNETH MEDENBACH,  
Defendant(s).**

Pro se defendant, Kenneth Medenbach, replies to the government's Response to his Motion to Dismiss as follows:

Throughout this case and *United States v. Medenbach*, 1:15-cr-00407-MC, the government has fundamentally misunderstood the thrust of defendant's challenge and the courts have simply ignored his arguments. The issues addressed by the Court of Appeals in the seminal case of *United States v. Medenbach*, 116 F.3d 487, 1997 WL 306437 (C.A.9 (Wash.)) are entirely different from those raised in Defendant's Motion to Dismiss (ECF #505) and his Motion to Reconsider (ECF #361).

Defendant's textual arguments regarding the meaning of "other property" under the Oregon Territorial Act of 1848 inexplicably do not even merit a response. The arguments defendant raises concerning the meaning of the term "other

property” for the purposes of the Oregon Territorial Act of 1848 have never been considered by any federal court previously and have been ignored by the government in its responses.

Like the government, Judge McShane did not address those arguments either. The only issue raised in the Motion to Dismiss rejected by Judge McShane through the order the government cites extensively was whether the 10th Amendment prevented the federal government from owning public lands in the states. *Order ECF #35, United States v. Medenbach*, 1:15-cr-00407-MC. Judge McShane, like the government, never considered and has never replied to his textual arguments concerning the Territorial Act of 1848.

He requests that in the absence of any authority contradicting his interpretation of the Territorial Act, the Court dismiss the Indictment now pending against these defendants.

Respectfully submitted on May 27, 2016,

Kenneth Medenbach  
Pro Se Defendant.